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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 90.239 )  
of the Commission's Rules )  
to Adopt Permanent )  
Regulations for Automatic )  
Vehicle Monitoring Systems )

RM No. 8013

ORIGINAL  
FILE

To: The Commission

REPLY COMMENTS OF SOUTHWESTERN BELL CORPORATION

Southwestern Bell Corporation ("SBC"), on behalf of its operating affiliates and subsidiaries, submits these Reply Comments in response to the Comments received by the Commission to the Petition for Rulemaking filed by North American Teletrac and Location Technologies, Inc. ("Teletrac") in the above-referenced docket.<sup>1</sup>

I. INTRODUCTION

If anything should be clear from the Comments filed with the Commission, it is that the Commission should open a rulemaking relating to the provision of Automatic Vehicle Monitoring ("AVM") systems.<sup>2</sup> While a number of parties filed oppositions to the Petition, there is likewise

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<sup>1</sup>Petition for Rulemaking (hereafter "Petition"), filed May 28, 1992.

<sup>2</sup>In addition to SBC, the following parties filed comments in this Rulemaking: Oklahoma Turnpike Authority, Conrail, American Trucking Associations, Allen-Bradley Company, Inc., City of Los Angeles Department of Airports, Amtech Logistics Corporation, American President Companies, Ltd., and Mark IV IVHS Division.

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substantial support for the establishment of a Petition for Rulemaking and the adoption of permanent rules for the provision of this service.<sup>3</sup> In addition, a number of entities which filed oppositions to the Petition cited a number of reasons why the existing rules are not in the best interest of the public.<sup>4</sup>

## II. PERMANENT RULE CHANGES

As SBC pointed out in its Comments, permanent rules for the operation of AVM systems are important.<sup>5</sup> In addition to SBC, a number of other entities have indicated support for the adoption of permanent rules, including Location Services, which supports the spirit and intent of the Petition and also supports the standard frequency assignment for forward links and the suggestion that the rules be broadened to include inanimate objects.<sup>6</sup> In addition, Mobile Vision specifically supports the establishment of permanent rules, encouragement of efficient use of spectrum and the promotion of technological

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<sup>3</sup>In addition to the Comments filed by SBC, Mobile Vision and Location Services filed Petitions supporting the PacTel Petition.

<sup>4</sup>For example, in a substantial opposition to the PacTel Petition, Pinpoint Communications, Inc. agrees with the need for a forward channel. (See Pinpoint Comments at Page 20.)

<sup>5</sup>SBC Comments at Pages 2-4.

<sup>6</sup>See Location Services' Comments at Pages 1, 4 and 5.

advancements in its comments, as well as the amendment of the rules to foster well-defined service areas.<sup>7</sup>

Even those entities which ostensibly oppose the current Petition do so on the basis that they are currently offering a valuable AVM service in the spectrum at issue. As SBC pointed out in its Comments, however, there is a mechanism by which co-channel interference can be eliminated and spectrally efficient provision of AVM services can be fostered without eliminating all current competitors. This can be done through the licensing of a number of carriers utilizing frequency assignments as small as 4 MHz or less.<sup>8</sup> In addition, SBC has provided information as to how an adequate forward-link separation from the return link can be created with these multiple assignments of frequency.<sup>9</sup>

With the exception of PacTel and Mobile Vision, each of which have been issued a large number of licenses to utilize 8 MHz of spectrum in a number of cities, there is virtual unanimity that multiple carriers are in the public's interest. As pointed out in SBC's Comments, the Commission's goals in establishing a rulemaking proceeding should be to foster the full utilization of available spectrum by the maximum number of providers with this service who can do so efficiently and without interference.

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<sup>7</sup>See Mobile Vision Comments at Pages 2, 6-8 and 12.

<sup>8</sup>See SBC Comments at Page 3.

<sup>9</sup>See SBC Comments at Page 4.

At the very least, there appear to be issues regarding the existence of interference (see PacTel Petition) in the current environment which could be eliminated by the adoption of a unique frequency assignment plan as proposed in SBC's Comments.

III. EXCLUSIVE ASSIGNMENT OF 8 MHz OF SPECTRUM  
IS INEFFICIENT AND INAPPROPRIATE

As pointed out by a number of commenting parties, the most serious negative aspect of the rules proposed in the Petition would be to the establishment of a duopoly in a number of markets which could be served only by the existing licensees such as Mobile Vision and PacTel.<sup>10</sup> This should not, however, be construed as eliminating the need for a rulemaking in its entirety. Rather, the Commission should initiate a rulemaking to foster increased competition in AVM services and to ensure that those entities which are licensed to provide this service have both permanent rules under which to do so and adequate protection from interference. Only through the adoption of permanent rules which address issues outlined in the Comments of SBC can the Commission reach this result.

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<sup>10</sup>See SBC Comments at Page 3, mark IV Comments at Pages 2-3, Pinpoint Comments at Pages 6 and 22, Comments of Alan-Bradley Company at Page 4, and Amtech Comments at Pages 33 and 37.

IV. CONCLUSION

Accordingly, SBC would urge the Commission to issue a Notice of Proposed Rulemaking, and to broaden the inquiry as outlined in its Comments.

Respectfully submitted,

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August 7, 1992

CERTIFICATE OF SERVICE

I, Charlotte O. Cook, hereby certify that copies of the foregoing Reply Comments of Southwestern Bell Corporation have been served by first-class United States mail, postage prepaid, on the parties listed on the attached.

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